IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

MONDAY, THE 13TH AUGUST 2007 / 22ND SRAVANA 1929

WP(C).No. 24526 of 2007(T)

PETITIONER:

ASOKAN, AGED 52 YEARS,
S/O.VIDYADHARAN,CHANDRALAYAM,
GURUDEVAPURAM, KULTHOOR KONAM CHERRI,
PARIPPALLY VILLAGE, KOLLAM DISTRICT.

BY ADV. SRI.V.VENUGOPALAN NAIR,
SRI.C.UNNIKRISHNAN (KOLLAM).

RESPONDENTS:
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1. **THE S.I. OF POLICE PARIPPALLY.**
2. **GOPI, KUNNUMPURATHU VEEDU,**
   KULATHOORKONAM CHERRY,
   PARIPPALLY VILLAGE.
3. **LEELA, W/O. GOPI,KUNNUMPURATHU VEEDU,**
   KULATHOORKONAM CHERRY,PARIPPALLY VILLAGE.
4. **UNNI,S/O. GOPI, DO..DO..**

BY GOVT. PLEADER SRI. P.A. SALIM.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 13/08/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR &
HARUN-UL-RASHID, JJ.

W.P.(C) No.24526 of 2007-T

Dated 13th August, 2007.

JUDGMENT

Balakrishnan Nair, J.

The petitioner has approached this Court, seeking a direction to the 1st respondent S.I of Police to grant police protection for the construction of a compound wall for his property, which is covered by Ext.P1 injunction order. The petitioner submits, respondents 2 to 4 tried to trespass into the property, to cut open a pathway, which was not existing. According to the said respondents, there was already a pathway. So, the petitioner was constrained to move the civil court and the civil court by Ext.P1 injuncted the said respondents, who are the defendants in the suit, from encroaching upon the property. The petitioner submits, subsequently, the suit was decreed ex parte and their application for reopening the ex parte decree, which is a belated application, is pending. Now, when he tried to construct a compound wall through the existing boundary of his property, the aforementioned party respondents are obstructing. So, he

has preferred Ext.P3 representation before the police, seeking protection to construct the compound wall. Since no help is forthcoming from the police, this writ petition is filed, seeking the following reliefs:

> "(i) A writ of mandamus or any other appropriate writ, order or direction commanding the 1st respondent to provide effective and adequate police protection to the petitioner for the purpose of constructing a compound wall in the property covered by Exts.P1 and P2 in the interest of justice.
>
> (ii) to grant any other appropriate relief considering the nature and circumstances of the case."

2. We feel that for constructing a compound wall the police cannot be asked to give protection. Such protection can be abused while constructing the compound wall. The petitioner has got an efficacious remedy of moving the civil court and get his boundary fixed by the civil court. The civil court can also order police protection. The police cannot be conferred jurisdiction in this matter.

In the result, the writ petition fails and it is dismissed

without prejudice to the right of the petitioner to move the competent civil court.

K. BALAKRISHNAN NAIR,JUDGE.

HARUN-UL-RASHID, JUDGE.

nm.